IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 3761 of 1988

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GIRISHKUMAR MAGANBHAI PATEL - Petitioner(s)

Versus

COMPETENT AUTHORITY - Respondent(s)

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Appearance :

NOTICE UNSERVED for Petitioner(s) : 1,
MR MR MENGADE AGP for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 22/09/2005

ORAL JUDGMENT

1. In this petition under Articles 226 and 227 of the Constitution of India, the petitioner has challenged the legality and validity of the order

passed by the Competent Authority and Additional Collector (ULC), Surat dated 14.3.1985 in canceling the scheme sanctioned under Section 21(2) of the Urban Land (Ceiling and Regulations) Act, 1976.

2. This Court while issuing notice in the present Special Civil Application directed both the parties to maintain status-quo as on date and said ad-interim relief came to be confirmed by the learned Single Judge of this Court by order dated 22.9.1988 with modification that the petitioner shall not put up construction over the said land or alienate the same or in any manner part with the possession of the said land. Thus, it appears that further proceedings under the Urban Land (Ceiling & Regulations) Act, 1976 are not taken place and possession of the land in question is not taken over by the State Government.

3. Under the circumstances, considering the provisions of Urban Land (Ceiling and Regulations) Repeal Act, 1999 (Act No.15 of 1999), present proceedings stand abated.

4. Consequently, the present Special Civil Application is disposed of as having abated in view of the provisions of the Urban Land (Ceiling and Regulations) Repeal Act, 1999 (Act No.15 of 1999).

5. Rule is made absolute to the aforesaid extent, however, there will be no order as to costs. It is however, made clear that if ultimately it is found by the Appropriate Authority that possession was already taken over by the State Government prior to 1999. It will be open for the respondents to move an appropriate application for reviewing and/or recalling this order.

(M.R.SHAH, J.)

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